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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/785,204
Filing Date: February 20, 2001
Appellant(s): SAITO ET AL.

Bradley D. Lytle & Raymond F. Cardillo, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on October 3, 2005 appealing from the Office action mailed July 29, 2004.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence relied upon in the rejections of claims under appeal:

Shaffer et al, U.S. Patent No. 6,094,681 (hereinafter Shaffer) and Conley, Jr. et al., U.S. Patent No. 6,434,745 (hereinafter Conley, Jr.).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9-11, 14-17, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. (U.S. Patent No. 6,094,681).

As to claim 1, Shaffer et al. discloses an information processing apparatus displaying associated information corresponding to a present event, comprising:

acquisition means for acquiring said associated information using existing information corresponding to a past event (See Shaffer et al. column 2, lines 7-23);

event occurrence detection means for detecting the occurrence of said present event (See Shaffer et al. column 2, lines 24-37);

search means for searching said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means (See Shaffer et al. column 2, lines 38-59); and

display control means for controlling displaying of said associated information related to the existing information retrieved by said search means (See Shaffer et al. column 2, lines 60-67, and Shaffer et al. column 3, lines 1-11).

As to claim 2, Shaffer et al. discloses wherein said event occurrence detection means detects sending, receiving, or editing of an electronic mail as said event (See Shaffer et al. column 3, lines 9-11, and see Shaffer et al. column 5, lines 34-59).

As to claim 3, Shaffer et al. discloses wherein said acquisition means acquires a title and a URL of a Web page containing said important word as the associated information (See Shaffer et al. column 6, lines 35-59, and see Shaffer et al. column 6, lines 13-22).

As to claim 4, Shaffer et al. discloses wherein said acquisition means acquires, in a predetermined timed relation, said associated information related to said important word selected by said selection means (See Shaffer et al. column 7, lines 41-67, wherein "timed relation" reads on "scheduling reminders", and see Shaffer et al. abstract).

As to claim 9, Shaffer et al. discloses information processing apparatus for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program, comprising:

processing detection means for detecting, as an event, predetermined processing of said predetermined application program (See Shaffer et al. column 4, lines 10-5, also see Shaffer et al. column 6, lines 56-59);

keyword detection means for detecting a keyword from said text file processed by said predetermined application program corresponding to said event detected by said processing detection means (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20);

search means for searching a database for said associated information by searching a database for a previous processed existing file corresponding to said keyword detected by said keyword detection means (See Shaffer et al. column 2, lines 38-59);

input means for inputting a command (See Shaffer et al. column 10, lines 31-33);

command processing means for executing, in response to said command inputted by said input means, processing on said associated information retrieved by said search means (See Shaffer et al. column 10, lines 31-40); and

display control means for displaying, in response to said event detected by said processing detection means, said character onto said display device and changing a manner of displaying said character in response to said command inputted by said input means (See Shaffer et al. column 2, lines 60-67, and Shaffer et al. column 3, lines 1-11).

As to claim 10, Shaffer et al. discloses said display control means also displays text information as a script of said character (See Shaffer et al. column 7, lines 19-37).

As to claim 11, Shaffer et al. discloses comprising output means for outputting a voice signal corresponding to said text information displayed by said display control means (See Shaffer et al. column 7, lines 19-37).

As to claim 14, Shaffer et al. discloses wherein said associated information is a URL of a Web page and said command processing means starts a WWW browser so as to access said URL of said Web page as said associated information in response to an access command inputted by said input means (See Shaffer et al. column 6, lines 13-59).

As to claims 15, and 16, Shaffer et al. discloses an information processing method, and a program storage medium storing a computer-readable program for an information processing apparatus for displaying a character on a display device and for displaying associated information related to a text file processed by a predetermined application program (See Shaffer et al. column 6, lines 13-59), comprising the steps of:

detecting, as an event, predetermined processing of said predetermined application program (See Shaffer et al. column 4, lines 10-5, also see Shaffer et al. column 6, lines 56-59);

detecting a keyword from said text file processed by said predetermined application program corresponding to said event detected in the processing detecting step (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20);

searching for said associated information by searching for a previously processed existing file corresponding to said keyword detected in the keyword detecting step (See Shaffer et al. column 2, lines 38-59);

executing, in response to a command inputted, processing on said associated information retrieved in the searching step (See Shaffer et al. column 10, lines 31-40); and

displaying, in response to said event detected in the processing of said detecting step, said character onto said display device and changing a manner of displaying said character in response to said command inputted in the inputting step (See Shaffer et al. column 2, lines 60-67, and Shaffer et al. column 3, lines 1-11).

As to claim 17, Shaffer et al. discloses comprising:

grouping means for grouping said existing information into a group of existing information based upon attribute information of said existing information (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20),

wherein said acquisition means acquires the associated information related to said group of existing information made by said grouping means as said existing information (See Shaffer et al. column 8, lines 26-30, also see Shaffer et al. column 8, lines 56-67, and Shaffer et al. column 9, lines 28),

said search means searches for said group of existing information as said existing information having similarity to information corresponding to the present event detected by the event occurrence detection means (See Shaffer et al. column 3, lines 48-64), and

the display control means controls displaying of said associated information related to said group of existing information as said existing information retrieved by said search means (See Shaffer et al. column 2, lines 60-67, and Shaffer et al. column 3, lines 1-11).

As to claim 19, Shaffer et al. discloses wherein said existing information corresponding to said past event is an existing text file and said information corresponding to said present event detected by the event occurrence detection means is a text file (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20), further comprising,

selection means for selecting an important word from among words contained in said existing text file (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20),

wherein the acquisition means acquires said associated information by using said important word selected by said selection means as said existing information (See Shaffer et al. column 5, lines 42-65, wherein "important word" reads on "keyword").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-8, 12-13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 6,094,681) in view of Conley, Jr. et al. (U.S. Patent No. 6,434,745 B1).

As to claim 5, Shaffer et al. as modified discloses further comprising:

if an update condition is satisfied, update mean for updating said database constructed by said database construction means (See Shaffer et al. column 4, lines 11-67, wherein "database" reads on "local memory").

As to claim 6, Shaffer et al. as modified discloses wherein said update condition can be set by a user (See Shaffer et al. column 4, lines 11-67).

As to claims 7, and 8, Shaffer et al. discloses an information processing method for an information processing apparatus, and program storage medium storing a computer-readable program for detecting a keyword from a text file corresponding to an event that has taken place and displaying associated information corresponding to said keyword (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20), comprising the steps of:

selecting an important word from among words contained in said existing text file (See Shaffer et al. column 3, lines 48-64, also see Shaffer et al. column 4, lines 11-20);

detecting the occurrence of said event (See Shaffer et al. column 2, lines 24-37);

detecting a keyword from said text file corresponding to said event detected in the event occurrence detecting step (See Shaffer et al. column 3, lines 48-64);

searching said database constructed in the database constructing step for said associated information corresponding to said keyword detected in the keyword detecting step (See Shaffer et al. column 2, lines 38-59); and

controlling displaying of said associated information retrieved in the searching step (See Shaffer et al. column 2, lines 60-67, and Shaffer et al. column 3, lines 1-11).

Shaffer et al. does not teach extracting attribute information from an existing text file;

acquiring said associated information related to said important word selected in the selecting step;

constructing a database by use of at least one of said attribute information extracted in the extraction step and said associated information acquired in the acquiring step.

Conley, Jr. et al. teaches extracting attribute information from an existing text file;

acquiring said associated information related to said important word selected in the selecting step (See Conley, Jr. et al. column 1, lines 40-46, prior art, also see Conley, Jr. et al. column 7, lines 5-53, and see Conley, Jr. et al. column 8, lines 38-62);

constructing a database by use of at least one of said attribute information extracted in the extraction step and said associated information acquired in the acquiring step.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. to include extracting attribute information from an existing text file; acquiring said associated information related to said important word selected in the selecting step; constructing a database by use of at least one of said attribute information extracted in the extraction step and said associated information acquired in the acquiring step.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. by the teaching of Conley, Jr. et al. to include extracting attribute information from an existing text file; acquiring said associated information related to said important word selected in the selecting step; constructing a database by use of at least one of said attribute information extracted in the extraction step and said associated

information acquired in the acquiring step because it provides seamless and easy system of gathering marketing information based on the end user's browser's use.

As to claim 12, Shaffer et al. does not teach wherein said command processing means displays, on said display device, said associated information retrieved by said search means in an object form with respect to at least one of movement, storage, and deletion, in response to a display command inputted by said input means.

Conley, Jr. et al. teaches wherein said command processing means displays, on said display device, said associated information retrieved by said search means in an object form with respect to at least one of movement, storage, and deletion, in response to a display command inputted by said input means (See Conley, Jr. et al. column 8, lines 5-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. to include wherein said command processing means displays, on said display device, said associated information retrieved by said search means in an object form with respect to at least one of movement, storage, and deletion, in response to a display command inputted by said input means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. by the teaching of Conley, Jr. et al. to include wherein said command processing means displays, on said display device, said associated information retrieved by said search means in an object form with respect to at least one of movement, storage, and deletion, in response to a display command inputted by said input means because it

provides accurate accounting and classification of database records and it also provides for efficient method for managing user related information.

As to claim 13, Shaffer et al. as modified discloses wherein said command processing means stores said associated information in response to a storage command inputted by said input means and displays a list of the stored associated information onto said display device (See Conley, Jr. et al. column 1, lines 40-46, prior art, also see Conley, Jr. et al. column 7, lines 5-53, and see Conley, Jr. et al. column 8, lines 38-62).

As to claim 20, Shaffer et al. does not teach comprising:

extraction mean for extracting attribute information from the existing information;

database construction means for constructing a database by use of at least one of said attribute information extracted by said extraction means and said associated information acquired by said acquisition means.

Conley, Jr. et al. teaches comprising:

extraction mean for extracting attribute information from the existing information (See Conley, Jr. et al. column 1, lines 40-46, prior art, also see Conley, Jr. et al. column 7, lines 5-53, and see Conley, Jr. et al. column 8, lines 38-62);

database construction means for constructing a database by use of at least one of said attribute information extracted by said extraction means and said associated information acquired by said acquisition means (See Conley, Jr. et al. column 2, lines 50-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. to include extraction mean for extracting attribute information from the existing information; database construction means for constructing a database by use of at least one of said attribute information extracted by said extraction means and said associated information acquired by.said acquisition means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. by the teaching of Conley, Jr. et al. to include extraction mean for extracting attribute information from the existing information; database construction means for constructing a database by use of at least one of said attribute information extracted by said extraction means and said associated information acquired by said acquisition means because it provides accurate accounting and classification of database records and it also provides for efficient method for managing user related information.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al. (U.S. Patent No. 6,094,681) in view of CAPPI (U.S. Pub. No. 2002/0038308 A1).

As to claim 18, Shaffer et al. does not teach comprising:

weight calculation means for calculating weight of keywords contained in each said group of existing information,

selection means for selecting an important word among said key words based upon said weight of key words,

wherein said acquisition means acquires said associated information related to said group of existing information using said important word selected by said selection means.

CAPPI teaches comprising:

weight calculation means for calculating weight of keywords contained in each said group of existing information (See CAPPI page 9, paragraphs 0103-0106),

selection means for selecting an important word among said key words based upon said weight of key words (See CAPPI page 9, paragraphs 0108-0111),

wherein said acquisition means acquires said associated information related to said group of existing information using said important word selected by said selection means (See CAPPI page 14, paragraphs 0157-0163).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. to include weight calculation means for calculating weight of keywords contained in each said group of existing information, selection means for selecting an important word among said key words based upon said weight of key words, wherein said acquisition means acquires said associated information related to said group of existing information using said important word selected by said selection means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Shaffer et al. by the teaching of CAPPI to include weight calculation means for calculating weight of keywords contained in each said group of existing information, selection means for selecting an important word among said key words based upon said weight of key words, wherein said acquisition means acquires said associated information related to said group of existing information using said important word selected by said selection means

because it provides accurate accounting and classification of database records and it also provides for efficient method for managing user related information.

10) Response to Argument

Appellant's argument regarding claim 1 that "Shaffer does not teach acquisition means for acquiring said associated information using existing information corresponding to *past event (emphasis added on the past event)* " is not persuasive.

The claim language appears to be collection information corresponding (related) to past events and not in fact the actual "past event" itself. Therefore, the limitaion is given its broadest interpretation in light of the specification to be merely "stored" or "collected" information from past occurrence or under similar circumstances (events) occurring in the past as embodied in Shaffer's teachings which include knowledge of previous information monitored; based on that knowledge; configuring the present event detection threshold to receive event updates meeting that threshold (pre-configured based on past event) see column 4, lines 20-30, and column 4, lines 51-67.

Shaffer's storage of the event information (thus past event) (i.e. when stock X price falls below $50 per share) in the memory then putting it to use for comparison purposes to actually generating the notification message when that event occurs; also clearly reads on the argued limitaion.

More so, in column 6, lines 60-66, Shaffer teaches keeping tracking of events in its analysis filter, and discloses a second event, thus making the previously occurred "first event" be a "past event" that its corresponding information was collected and analyzed.

Appellant's argument regarding claim 1 that "Shaffer does teach event occurrence detection means for detecting the occurrence of said present event" is not persuasive.

Shaffer is entire invention is directed to event detection and monitoring, see specifically, column 5, lines 2-8, and column 6, lines 65-66.

Appellant's argument regarding claim 9 that "Shaffer does teach text file processed by a predetermined application program" is not persuasive.

Since there's no specific or detail statement as to what the "predetermined application program" is considered to be in the claims, it is given its broadest reasonable interpretation to simply be pre-configured or pre-chosen program to receive or output the sought after information. In Shaffer's patent, it can be read on the electronic mail application or browser as disclosed in column 6,lines 40-49, and/or pre-configured user application column 4, lines 54-61; all preexisting/preconfigured applications set up to receive and generate text.

Appellant's argument regarding claim 9 that "Shaffer does teach keywords are detected" is not persuasive.

Shaffer discloses keywords are detected from messages in column 3, lines 50-53; and in column 5, lines 51-54.

Appellant's argument regarding claims 15 and 16 that" Shaffer does teach detecting a keyword from said *text file processed by said predetermined application program* (emphasis added)" is not persuasive.

The two separate clauses to the limitaion have been addressed in the arguments above and reiterated in the fact that "predetermined application program" is interpreted to be an electronic mail application or a Web application or any existing/preconfigured (predetermined) application which is taught to extract keywords (i.e. text) in column 5, lines 42-59.

Furthermore, in another example of a predetermined application, in column 3, lines 60-62, Shaffer explicitly teaches:

> a text generator (predetermined application) used to generate an event notification text message which is stored in memory of the computer.

Thus, making it difficult to ascertain the distinction or difference from the argued claimed limitaion.

Appellant's argument regarding dependent claim 11 that "Shaffer does teach output means for outputting a voice signal corresponding to said text information displayed by said display control means" is not persuasive.

Voice signal is a beep, noise, or any other indicator of received message (i.e. text information). In the case of Shaffer, the paging notification message taught in column 7, lines 19-37 is a display of text information related to a message received on pager device using a voice indicator (i.e. signal).

Appellant's argument regarding claims 7 and 8 that "the combination of Shaffer & Conley, Jr. does teach keyword from said *text file* (emphasis added)" is not persuasive.

The Appellant argues that the specific words of the claim "text file" appear to be ignored by the office action. On the contrary, the office gave it its broadest reasonable interpretation with as little details as given in the claims; "text filed' is interpreted to read on various messages "an email message" or a "text attachment to message body" or "calendar messages" as taught in Shaffer column 6, lines 1-7.

Conley, Jr. is also directed to email grabbing software (email is a text file) to monitor events and storing them in a database as records, and displaying them to the user; thereby teaching a text file.

The office notes there is no statement, remarks, or arguments made regarding Appellant's pending claim 18 that was rejected in the OA under CAPPI (U.S. Pub. No. 2002/0038308 A1).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Neveen Abel-Jalil 

June 10, 2007

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